

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

FRANCES DRAKE

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06CV318LS

**CITY OF PEARL, MISSISSIPPI;
WILLIAM SLADE; MARK MOONEY
and BRIAN ELLIS**

DEFENDANTS

ORDER

This matter came before the court on the Defendants' Motion to Stay Proceedings, by which they seek a stay of this civil suit pending the conclusion of the criminal action that is the basis of this action. The Plaintiff has not opposed the Motion. The court has reviewed the arguments advanced by the Defendants, including the application of *Heck v. Humphrey*, 512 U.S. 477 (1994) to bar this action absent a favorable outcome to the criminal case, and concludes that the matter should be stayed. According to the Defendants, a hearing has been set for November 1, 2006, in the County Court of Rankin County, on the Plaintiff's appeal of her conviction.

IT IS, THEREFORE, ORDERED that this matter is stayed pending the outcome of the Plaintiff's criminal case in Rankin County. The parties are to report to the court no later than November 10, 2006, as to the result of the November 1 hearing.

IT IS SO ORDERED, this the 6th day of October, 2006.

S/James C. Sumner
UNITED STATES MAGISTRATE JUDGE